

AMENDMENT TO H.R. 2500
OFFERED BY MS. TORRES SMALL OF NEW
MEXICO

At the appropriate place in title III, insert the following:

1 **SEC. 3___ . PROVISION OF UNCONTAMINATED WATER FOR**
2 **AGRICULTURAL USE ON LAND CONTAMI-**
3 **NATED BY PFOS AND PFOA USED ON MILI-**
4 **TARY INSTALLATIONS.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) Perfluorooctanesulfonic acid (in this section
8 referred to as “PFOS”) and perfluorooctanoic acid
9 (in this section referred to as “PFOA”) are part of
10 a class of man-made chemicals that have been used
11 in a variety of industrial and consumer products to
12 make the products resist heat, stains, water, and
13 grease. Because PFOS and PFOA extinguish petro-
14 leum fires quickly, the Department of Defense and
15 commercial airports began using aqueous film form-
16 ing foam containing PFOS and PFOA in the 1970s.

17 (2) PFOS and PFOA can accumulate and stay
18 in the body for long periods of time. Exposure to

1 PFOS and PFOA may cause health problems, in-
2 cluding issues with the reproductive system, liver
3 and kidney damage, developmental issues in chil-
4 dren, and negatively impacted immune system, and
5 cancer.

6 (3) A common method of human exposure to
7 PFOS and PFOA is by consuming contaminated
8 drinking water.

9 (4) The Environmental Protection Agency
10 issued lifetime health advisories under the Safe
11 Drinking Water Act for individual or combined
12 PFOS and PFOA concentrations at 70 parts per
13 trillion in 2016, but has not yet issued any guidance
14 or regulation for groundwater or agricultural water.

15 (5) The Department of Defense has provided
16 mitigations in many communities where drinking
17 water has tested at or above the lifetime health advi-
18 sory level, including bottled water and drinking
19 water filtration systems. Due to the lack of regu-
20 latory guidance, these mitigations have not been
21 mirrored in agricultural water systems.

22 (6) As a result, farmers located adjacent to
23 military installations with PFOS and PFOA con-
24 tamination that has migrated off-installation are po-
25 tentially impacted, and in at least one case, such

1 contamination has had a serious impact on the liveli-
2 hood of a dairy farmer.

3 (b) AUTHORITY TO PROVIDE UNCONTAMINATED
4 WATER FOR AGRICULTURAL PURPOSES.—

5 (1) IN GENERAL.—If an area has been identi-
6 fied under paragraph (2), and a military installation
7 has been determined to be the source of that con-
8 tamination, the Secretary of Defense or the Sec-
9 retary concerned may provide, for the purpose of
10 producing agricultural products destined for human
11 consumption—

12 (A) water sources uncontaminated with
13 perfluoroalkyl and polyfluoroalkyl substances,
14 including PFOA and PFOS, or

15 (B) treatment of contaminated waters.

16 (2) IDENTIFICATION OF AREAS.—An area iden-
17 tified under this paragraph is an area for which the
18 level of PFOA or PFOS contamination—

19 (A) is above the lifetime health advisory
20 for contamination for such compounds as issued
21 by the Environmental Protection Agency and
22 printed in the Federal Register on May 25,
23 2016;

24 (B) is at or above a regulatory standard
25 set by the Food and Drug Administration for

1 PFOA and PFOS in raw agricultural commod-
2 ities and milk; or

3 (C) is at or above a duly promulgated,
4 non-discriminatory standard promulgated by a
5 State regulatory entity for PFOA and PFOS in
6 raw agricultural commodities and milk.

7 (3) SOURCE OF FUNDS.—Amounts used to
8 carry out this section shall be derived—

9 (A) in the case of amounts made available
10 by the Secretary concerned, from amounts au-
11 thorized to be appropriated for Operation and
12 Maintenance for the military department con-
13 cerned; or

14 (B) in the case of amounts made available
15 by the Secretary of Defense, from amounts au-
16 thorized to be appropriated for Operation and
17 Maintenance, Defense-wide.

18 (c) SENSE OF CONGRESS REGARDING LAND ACQUI-
19 SITION.—It is the sense of Congress that the Secretary
20 concerned should explore authorities under which the Sec-
21 retary could acquire land the land adjacent to military in-
22 stallations where the owners of the land have experienced
23 impacts to their livelihood due to PFOS and PFOA con-
24 tamination that has been verified to have been caused by

1 that installation, including the authorities under sections
2 2663, 2864a, and 2869 of title 10, United States Code.

